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10/044,237	01/10/2002	William K. Leonard	55476US003	1889

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EXAMINER

FLETCHER III, WILLIAM P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,237	LEONARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William P. Fletcher III	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
- 4a) Of the above claim(s) 32-98 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>various</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of claims 1-25 and 29-31, in the paper filed 4/9/2004, is acknowledged.

Applicant's arguments with respect to restriction between groups I and II have been considered and are persuasive. Group II, claims 26-28 has been re-joined with group I, claims 1-25 and 29-31.

With respect to group III, claims 32-98, the traversal is on the ground(s) that there would be no serious burden on the examiner if the groups were prosecuted together in the same application, since the claims are directed to similar subject matter. This is not found persuasive because, for purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. As noted in the prior Office action, method claims require a search in class 427, including at least subclass 359, while apparatus claims require a search in class 118, coating apparatus, including at least subclass 110, where method is irrelevant.

The burden on the examiner further extends to the patentability issues associated with, and evolving as a result of, searching for additional inventions. Issues related to a method are frequently very different from those related to an apparatus. For example, the issues related to the structural requirements of an apparatus need not be familiar to an examiner of specific methods. Consequently, the examination of method claims 1-31 and apparatus claims 32-98 represent a serious burden on the examiner both because of (1) non-overlapping search and (2)

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the evolution of patentability issues related to searching multiple and distinct inventions.

Applicant's argument is not persuasive.

**The requirement is still deemed proper and is therefore made FINAL.**

2. Claims 32-98 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement (see above).

***Priority/Specification***

3. CROSS-REFERENCE TO RELATED APPLCIATIONS should be updated to reflect that 09/757,955 has been allowed.

***Drawings***

4. The drawings are objected to because Figs. 10a-d, 14a-n, 19a-d, and 20-24 are not sufficiently dark and well-defined. These drawings will not reproduce well. The examiner requests that better copies of these figures be submitted to ensure clear and faithful reproduction in any patent issuing from this application. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-25 and 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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The term "substantially" in claims 1, 17, and 29-31 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Independent claims 1 and 17 recite that the pick-and-place devices have "the same or substantially the same periods." Dependent claims 7, 8, 22, and 23 recite that at least one of the devices may differ by more than 5% from the average period of the other devices. It is consequently unclear what the upper limit of a roller's % deviation from the average period may be to still be considered as having "substantially the same period." The specification does not clarify this question. Consequently, for the purpose of searching and evaluating the prior art, it is the examiner's position that "substantially the same period" is inclusive of "a period...that differs by more than 5% from the average period of contact of the other devices."

**7. Claims 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

These claims recite values "within a white or light gray region depicted in [a particular figure] and its mirror image." Recitation of such a limitation renders these claims indefinite because, based on the figures alone, it is impossible to determine the precise boundary between the claimed regions and those that are not white or light gray. In other words, in border areas, it is impossible to tell from visual inspection of the figures in which region a particular data point falls. This situation is exacerbated by the fact that, as noted above, the drawings are not

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sufficiently clear and well-defined. It is also unclear over what mirror plane(s) (i.e., axis/es of reflection) the mirror images of these regions is/are being taken.

Further, where possible, claims are to be complete in themselves. Incorporation by reference to a specific figure or table "is permitted only in exceptional circumstances where there is no practical way to define the invention in words and where it is more concise to incorporate by reference than duplicating a drawing or table into the claim. Incorporation by reference is a necessity doctrine, not for applicant's convenience." See MPEP § 2173.05(s). Since these figures represent plots of dimensionless stripe width vs. dimensionless roll size, both of which are defined by mathematical formulae in the specification, it is the examiner's position that the function plotted in the figure, as well as the values of that function defining the white and light gray areas, can be defined in words. Doing so would remedy the indefiniteness detailed in the preceding paragraph.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 17-21, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by HALL (GB 1 278 099).**

HALL teaches a method for improving the uniformity of a wet coating on a substrate comprising contacting and re-contacting the coating with wetted surface portions of at least three rollers having the same period of contact with the substrate (1:9-2:68, especially 2:49-51). It is

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the examiner's position that the functioning of the rollers, described by HALL at 1:92-2:17 reads on applicant's definition of a "pick-and-place device." HALL'S invention functions to smooth out longitudinal striations (i.e., caliper variations including depressions) imparted to the coating by metering rollers (1:25-33; 1:92-2:37).

With respect to claims 20 and 21, since HALL'S rollers are all of the same diameter and rotate at the same speed, it is the examiner's position that the rollers all have the same period (i.e., 0% variation). Since the values of  $\pm 0.05\%$ ,  $0.5\%$ , and  $1\%$  are all inclusive of  $0\%$ , HALL reads on these claims as well.

With respect to claims 24 and 25, as noted above, HALL teaches at least three rollers (2:49-51). This range is inclusive of the "at least 10" and "at least 20" rollers claimed.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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**12. Claims 1-6, 9, 10, 15, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over HALL (GB 1 278 099).**

HALL teaches a method for improving the uniformity of a wet coating on a substrate comprising contacting and re-contacting the coating with wetted surface portions of a sufficient number of periodic rollers having the same period of contact with the substrate (1:9-2:68). It is the examiner's position that the functioning of the rollers, described by HALL at 1:92-2:17 reads on applicant's definition of a "pick-and-place device." HALL'S invention functions to smooth out longitudinal striations (i.e., caliper variations including depressions) imparted to the coating by metering rollers (1:25-33; 1:92-2:37). It is also the examiner's position that HALL'S "longitudinal striations" are inclusive of the broad range of caliper defects claimed.

As noted above, HALL'S invention functions to smooth the coating. The primary definition of the term "smooth" is "having a continuous, even surface" (see below), which is equivalent to 100% of the average coating caliper. Consequently, according to the common sense of the term smooth, the invention of HALL results in a processed coating having 100% of the average coating caliper.

In the alternative, since it is the express purpose of HALL to smooth the coating, and since a coating having 100% of the average coating caliper is the epitome of a smooth coating, it would have been obvious to one of ordinary skill in the art to adjust the frequency and amplitude of reciprocation of the rollers (3:1-48) to achieve a coating having an average caliper as close to 100% as possible.

With respect to claims 2, 4, 5, and 6, since HALL'S rollers are all of the same diameter and rotate at the same speed, it is the examiner's position that the rollers all have the same period



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(i.e., 0% variation). Since the values of  $\pm 0.05\%$ ,  $0.5\%$ , and  $1\%$  are all inclusive of  $0\%$ , HALL reads on these claims as well.

With respect to claims 9 and 10,  $100\%$  of the average coating caliper satisfies the ranges of “at least  $90\%$ ” and “no more than  $200\%$ ” claimed.

With respect to claims 15 and 16, HALL does not teach the claimed coating thicknesses. It is the examiner’s position that such is a result-effective variable: a coating must be thick enough to provide adequate coverage but not so thick as to be too costly or difficult to process. Further, it is the examiner’s position that it is known to control coating thickness by the use of a metering device, such as the metering rollers disclosed by HALL or by the spreading action of the smoothing rollers, also disclosed by HALL. Consequently, absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed coating thickness, it would have been obvious to one of ordinary skill in the art to modify the method of HALL so as to optimize this result-effective variable by routine experimentation (see MPEP § 2144.05(II)).

**13. Claims 1, 3, 7-10, and 15 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over READE ET AL. (US 4,102,301 A).**

READE teaches a method for forming a uniformly-coated web comprising contacting the coating with rollers that pick up excess coating material, transfer the picked-up coating around their periphery, and re-contact the coating on the substrate (1:60-65; 2:9-22; 2:62-4:20). Although READE discloses rollers having different rotational speeds (4:1-20), based on the rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, set-forth above, it is the examiner’s position that the arrangement disclosed by READE reads on roller that have “substantially the same periods.” READE further teaches that the coating material is applied as a pattern of stripes, later spread

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and smoothed-out by smoothing rollers (2:43-3:22). The stripes are separated by voids having no coating at all (see Fig. 1).

READE'S invention functions to provide a uniform coating. The definition of the term "uniform" is "presenting an unvaried appearance of surface, pattern, or color" (see below), which is equivalent to 100% of the average coating caliper. Consequently, according to the common sense of the term smooth, the invention of READE results in a processed coating having 100% of the average coating caliper.

In the alternative, since it is the express purpose of READE to smooth the coating, and since a coating having 100% of the average coating caliper is the epitome of a smooth coating, it would have been obvious to one of ordinary skill in the art to adjust process parameters such as roller rotation speed (3:61-4:21) to achieve a coating having an average caliper as close to 100% as possible.

With respect to claims 9 and 10, 100% of the average coating caliper satisfies the ranges of "at least 90%" and "no more than 200%" claimed.

With respect to claims 7 and 8, READE teaches two different rollers, moving at different speeds (4:1-20). The first roller rotates at a peripheral speed of 5.5-8 m/min and the second at 14-26 m/min. The rollers have a diameter of 0.550 mm (see Example 1). The % difference in periods can be calculated to be between about 20% and 55%.

With respect to claim 15, READE teaches a coating thickness in the range of about 2.5 to 3.8 microns (4:8-9).

With respect to claim 16, READE does not teach a coating thickness less than 0.5 microns. It is the examiner's position that such is a result-effective variable: a coating must be

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thick enough to provide adequate coverage but not so thick as to be too costly or difficult to process. Further, it is the examiner's position that it is known to control coating thickness by the use of a metering device or by the spreading action of the smoothing rollers. Consequently, absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed coating thickness, it would have been obvious to one of ordinary skill in the art to modify the method of READE so as to optimize this result-effective variable by routine experimentation (see MPEP § 2144.05(II)).

**14. Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALL (GB 1 278 099) as applied to claim 1 above, and further in view of LEONARD ET AL. (US 5,409,732 A).**

The teaching of HALL is detailed above, including that the wet coating has a caliper variation. This reference does not teach that the period of the caliper variation, the size of the caliper variation, or the period of contact of at least one device is changed to reduce or minimize coating defects.

LEONARD teaches a method for controlling the gap thickness between a double roll gap coating device including a metering roll wherein the gap distance is controlled to compensate for repeating variations in coating thickness (abstract; 1:30-39; 5:17-59). Like HALL, the substrate is a moving web of material (4:23-28).

It would have been obvious to one of ordinary skill in the art to modify the method of HALL so as to utilize the roll gap controller of LEONARD. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully compensating for (i.e., reducing) variation in the coating thickness (i.e., caliper).

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**15. Claims 11-14, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over READE ET AL. (US 4,102,301 A) as applied to claim 1 above, and further in view of LEONARD ET AL. (US 5,409,732 A).**

With respect to claims 11 and 26, the teaching of READE is detailed above, including that the wet coating has a caliper variation. This reference does not teach that the period of the caliper variation, the size of the caliper variation, or the period of contact of at least one device is changed to reduce or minimize coating defects.

LEONARD teaches a method for controlling the gap thickness between a double roll gap coating device including a metering roll wherein the gap distance is controlled to compensate for repeating variations in coating thickness (abstract; 1:30-39; 5:17-59). Like READE, the substrate is a moving web of material (4:23-28).

It would have been obvious to one of ordinary skill in the art to modify the method of READE so as to utilize the roll gap controller of LEONARD. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully compensating for (i.e., reducing) variation in the coating thickness (i.e., caliper).

With respect to claims 12, 13, and 27, READE further teaches that the coating material is applied as a pattern of stripes, later spread and smoothed-out by smoothing rollers (2:43-3:22). READE'S substrate is a moving web (see Fig. 1). The stripes are interspersed with voids.

With respect to claim 14, READE teaches repeating the coating operation to build-up a coating of a desired thickness (3:49-51). Consequently, it would have been obvious to one of ordinary skill in the art to modify the method of READE in view of LEONARD to apply the

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coating atop a previously applied wet coating in order to build-up a coating layer of a desired thickness.

**16. Claims 12-14 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALL (GB 1 278 099) in view of LEONARD ET AL. (US 5,409,732 A), as applied to claim 11 above, and further in view of READE ET AL. (US 4,102,301 A).**

The combined teaching of HALL and LEONARD is detailed above. Although HALL gives two specific examples of how the coating may be applied to the substrate, it is clear that these are non-limiting and that any suitable method may be utilized. None of the cited reference teach that the coating is applied as a pattern of stripes interspersed with depressions, that the depressions comprise voids, or that the coating is applied atop a previously applied wet coating.

READE teaches a method for coating a substrate in which the coating material is applied as a pattern of stripes, later spread and smoothed-out by smoothing rollers (2:43-3:22). Like HALL and LEONARD, READE'S substrate is a moving web (see Fig. 1). The stripes are interspersed with voids.

It would have been obvious to one of ordinary skill in the art to modify the method of HALL in view of LEONARD so as to deposit the coating onto the moving substrate in a pattern of stripes interspersed with voids. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of successfully applying the coating to the surface, said coating later being spread and smoothed-out by the action of smoothing rollers.

With respect to claim 14, READE teaches repeating the coating operation to build-up a coating of a desired thickness (3:49-51). Consequently, it would have been obvious to one of ordinary skill in the art to modify the method of HALL in view of LEONARD and READE to

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apply the coating atop a previously applied wet coating in order to build-up a coating layer of a desired thickness.

**17. Claims 17, 19, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over READE ET AL. (US 4,102,301 A) in view of MEIER (US 2,977,243 A).**

The teaching of READE is detailed above. Again, this reference suggests that a greater number of smoothing rollers improves uniformity, but explicitly discloses a maximum number of two, which have periods of contact differing from about 20% to about 55%.

MEIER teaches a method of coating a moving web of material utilizing smoothing rollers, stating: "The larger the number of smoothing rolls, the more effective the smoothing action and consequently the film appearance..." (3:26-28). This reference explicitly teaches at least 10 rollers (3:32-34).

Consequently, it would have been obvious to one of ordinary skill in the art to modify the method of READE so as to utilize a greater number of rollers, specifically at least 10 rollers. One of ordinary skill in the art would have been motivated to do so by the desire and expectation of further improving the uniformity of the coating.

**18. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over HALL (GB 1 278 099) in view of READE ET AL. (US 4,102,301 A).**

The combined teaching of HALL and READE are detailed above. Again, it would have been obvious to modify the method of HALL, which teaches at least three rollers, so as to apply the coating in the form of stripes, as suggested by READE.

Neither of these references teach that the dimensionless stripe width (DSW) and dimensionless roll size (DRS) are within a white or light gray area of the respective figures.

According to the specification, both DSW and DRS are merely expressions of coating process parameters. It is the examiner's position that these parameters, such as roller rotation period, stripe width, and web processing speed are result-effective variables effecting the degree of improvement and overall processing speed. Furthermore, it is known in the art to control such properties (see, for example, READE 2:49-59). Consequently, absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed DSW and DRS, it would have been obvious to modify the method of HALL in view of READE so as to optimize these result-effective variables by routine experimentation (see MPEP § 2144.05(II)).

**19. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over READE ET AL. (US 4,102,301 A).**

The teaching of READE is detailed above. Again, READE teaches up to two rollers. Although READE discloses rollers having different rotational speeds (4:1-20), based on the rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, set-forth above, it is the examiner's position that the arrangement disclosed by READE reads on roller that have "substantially the same periods." This reference does not teach that the dimensionless stripe width (DSW) and dimensionless roll size (DRS) are within a white or light gray area of the respective figures.

According to the specification, both DSW and DRS are merely expressions of coating process parameters. It is the examiner's position that these parameters, such as roller rotation period, stripe width, and web processing speed are result-effective variables effecting the degree of improvement and overall processing speed. Furthermore, it is known in the art to control such properties (see, for example, READE 2:49-59). Consequently, absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed DSW and DRS, it

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would have been obvious to modify the method of HALL in view of READE so as to optimize these result-effective variables by routine experimentation (see MPEP § 2144.05(II)).

**20. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over READE ET AL. (US 4,102,301 A) in view of MEIER (US 2,977,243 A).**

The combined teaching of READE and MEIER is detailed above. Although READE discloses rollers having different rotational speeds (4:1-20), based on the rejection under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, set-forth above, it is the examiner's position that the arrangement disclosed by READE reads on roller that have "substantially the same periods." Again, it would have been obvious to one of ordinary skill in the art to modify the method of READE so as to utilize a greater number of rollers, specifically at least 10 rollers, as suggested by MEIER.

Neither of these references teach that the dimensionless stripe width (DSW) and dimensionless roll size (DRS) are within a white or light gray area of the respective figures.

According to the specification, both DSW and DRS are merely expressions of coating process parameters. It is the examiner's position that these parameters, such as roller rotation period, stripe width, and web processing speed are result-effective variables effecting the degree of improvement and overall processing speed. Furthermore, it is known in the art to control such properties (see, for example, READE 2:49-59). Consequently, absent clear and convincing evidence of unexpected results demonstrating the criticality of the claimed DSW and DRS, it would have been obvious to modify the method of HALL in view of READE so as to optimize these result-effective variables by routine experimentation (see MPEP § 2144.05(II)).

### ***Conclusion***



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21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


a. Attached please find copies of the definitions of "smooth" and "uniform" from *Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition*, © 1999 by Merriam-Webster, Inc., pages 1109 and 1292, respectively, cited in support of the examiner's positions above.

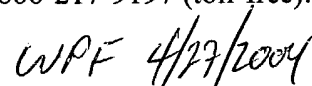
b. US 2,388,339 A, to PAXTON ET AL., teaches a coating method for a moving web utilizing four upper and four lower smoothing rollers.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Fletcher III whose telephone number is (571) 272-1419. The examiner can normally be reached on Monday through Friday, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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William P. Fletcher III  
Examiner  
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